

**REMARKS**

This application has been carefully reviewed in light of the Office Action. Claims 1, 2, 4-14, 16-25, 27-35, and 37-46 are pending. The Office Action rejects Claims 1, 2, 4-14, 16-25, 27-35, and 37-46. Applicant has amended Claims 1, 5, 13, 16, 24, 28, 37, and 39, and added Claims 47-50. Applicant respectfully requests reconsideration and favorable action in this case.

**Rejections Under 35 U.S.C. § 102 Using Hughes**

The Office Action rejects Claims 1, 2, 4-14, 16-25, 27-35, and 37-46 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,854,009 to Hughes (“*Hughes*”). Applicant respectfully traverses these rejections.

Applicant has amended Independent Claims 1, 13, 24, and 37 to recite “the selected file further being associated with at least one profile identifying, for download, only the at least one associated file.” Support for this amendment can be found at least at Figure 1C, profile 38 and the passages at Page 11, Lines 12-16, and Page 11, Line 30 - Page 12, Line 1 of Applicant’s Specification.

Independent Claim 1, as amended, is allowable at least because *Hughes* fails to disclose, expressly or inherently, “the selected file further being associated with at least one profile identifying, for download, only the at least one associated file.” The Office Action relies on a user’s profile of *Hughes* to disclose a prior version of Independent Claim 1. *See Office Action*, Page 3. Whether or not this is correct, *Hughes* fails to disclose, expressly or inherently, the above limitations of amended Independent Claim 1. For example, *Hughes* discloses using a user’s profile to identify and download an operating system (OS):

When a client connects to the network server 200, the initial configuration server 204 performs a look up in a profile database to determine what operating systems and applications are included in the user's profile. Based on the profile, the initial configuration server 204 fetches all of the basic files needed to run each OS and application, puts them together into one block, and downloads them to the client. Server 204 dynamically puts all the needed files together (including any files needed by one of the applications to run cooperatively with another of the applications, and frequently-used files), and downloads just those files into the main memory (system RAM--not the hard drive) of the client 132, 141a. Typically, this includes a first portion of each operating system and each application in the user's profile, the first portion including only files required to launch the OS/application and frequently used files.

*See Hughes*, Col. 7, Line 65 - Col. 8, Line 13 (emphasis added). The Office Action, however, also relies on the OS of *Hughes* to disclose the selected file of Independent Claim 1. *See Office Action*, Page 3. As a result, even if the Office Action is correct, which Applicant does not concede, *Hughes* discloses the profile identifying, for download, the selected file, which is not “only the at least one associated file.” Consequently, *Hughes* fails to disclose, expressly or inherently, “the selected file further being associated with at least one profile identifying, for download, only the at least one associated file.”

For at least this reason, Independent Claim 1, as amended, is allowable, as are Claims 2, 4-12, and 47 that depend therefrom. For analogous reasons, Independent Claims 13, 24, and 37, as amended, are allowable, as are Claims 14, 16-23, 25, 27-35, 38-46, and 48-50 that depend therefrom. Reconsideration and favorable action are requested.

Dependent Claim 12 is allowable also at least because *Hughes* fails to disclose, expressly or inherently, “generating, by the client, the one or more files for uploading to the server; generating, by the client, a profile associated with each of the one or more files; and uploading, by the client, the profile and the each of the one or more files to the server.” The Office Action relies on Figure 14 and the passage at Col. 23, Line 13 - Col. 24, Line 64 of *Hughes* to disclose these limitations. *See Office Action*, Page 6. This reliance, however, is misplaced. For example, the figure and passage of *Hughes* merely disclose downloading an image to a client:

FIG. 14 shows a method for configuring computer programs on the client that is coupled to a server, according to another aspect of the exemplary embodiment. Programs are not “installed” in the sense of running installation programs locally to install program files, update the registry and load configuration files. Rather, a bootable disk image is assembled in the server, along with any configuration files and registry updates needed to run the program, and the image is downloaded to the client via the Internet, ready to run.

*See Hughes*, Col. 23, Lines 13-22 (emphasis added); *see also Hughes*, Figure 14. As a result, *Hughes* fails to disclose, expressly or inherently, “generating, by the client, the one or more files for uploading to the server; generating, by the client, a profile associated with each of the one or more files; and uploading, by the client, the profile and the each of the one or more files to the server.”

For at least this additional reason, Dependent Claim 12 is allowable. For analogous reasons, Dependent Claims 23, 35, and 46 are allowable. Reconsideration and favorable action are requested.

**Rejections Under 35 U.S.C. §§ 102 and 103 Using *Siefert***

The Office Action rejects Claims 1-2, 4-11, 13-14, 16-22, 24-25, 27-34, and 37-45 under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,721,906 to Siefert ("*Siefert*"). The Office Action rejects Claims 12, 23, 35, and 46 under 35 U.S.C. § 103(a) as being unpatentable over *Siefert* in view of U.S. Patent No. 5,530,852 to Meske, Jr. et al. ("*Meske*"). Applicant respectfully traverses these rejections.

Independent Claim 1, as amended, is allowable at least because *Siefert* fails to disclose, expressly or inherently, "in response to requesting downloading of the selected file, initiating downloading of the selected file and automatically determining the identity of and initiating downloading of the at least one associated file of the selected file to occur at substantially the same time as the selected file." The Office Action relies on Figures 1A-1E and the passages at Col. 4, Lines 15-45; Col. 15, Lines 31-40; and Col. 11, Lines 10-57 of *Siefert* as disclosing these limitations. *See Office Action*, Page 7-8. This reliance, however, is misplaced. For example, the passage at Col. 4, Lines 29-33 of *Siefert* merely discloses using a profile in order to locate a resource:

Each RESOURCE has an associated PROFILE, which contains descriptive information about the RESOURCE. FIG. 48 illustrates an exemplary PROFILE. The user of a PC uses the PROFILES to locates [*sic*] RESOURCEs of interest by searching through the PROFILEs.

Furthermore, once the resource is located, *Siefert* discloses downloading only the resource:

When a user orders a "physical" RESOURCE, a message, as discussed above, is sent to the custodian of the RESOURCE, requesting delivery. When a user orders a "soft" RESOURCE, the RESOURCE is downloaded to the user directly.

*See Siefert*, Col. 15, Lines 36-40; *see also Siefert*; Col. 11, Lines 10-57. Because *Siefert* discloses downloading only a resource, *Siefert* fails to disclose initiating downloading of anything other than the resource. As a result, *Siefert* fails to disclose, expressly or inherently, "in response to requesting downloading of the selected file, initiating downloading of the selected file and automatically determining the identity of and initiating downloading of the

at least one associated file of the selected file to occur at substantially the same time as the selected file” of Independent Claim 1.

For at least this additional reason, Independent Claim 1, as amended, is allowable, as are Claims 2, 4-12, and 47 that depend therefrom. For analogous reasons, Independent Claims 13, 24, and 37, as amended, are allowable, as are Claims 14, 16-23, 25, 27-35, 38-46, and 48-50 that depend therefrom. Reconsideration and favorable action are requested.

### **New Claims**

Applicant has added Claims 47-50. Support for these Claims can be found at least at Page 14, Line 4 - Page 15, Line 5 of Applicant’s Specification.

Dependent Claim 47 is allowable at least because *Hughes* fails to disclose, expressly or inherently, “automatically determining the identity of and initiating downloading of at least one sub-associated file of the selected file to occur at substantially the same time as the at least one associated file, the at least one associated file including instructions to access the at least one sub-associated file, the at least one sub-associated file identified by a separate profile associated with the at least one associated file.” For example, *Hughes* clearly discloses that all of the downloads are based on the user’s profile. See *Hughes*, Col. 7, Line 65 - Col. 8, Line 4. As a result, *Hughes* fails to disclose, expressly or inherently, “automatically determining the identity of and initiating downloading of at least one sub-associated file of the selected file to occur at substantially the same time as the at least one associated file, the at least one associated file including instructions to access the at least one sub-associated file, the at least one sub-associated file identified by a separate profile associated with the at least one associated file.”

Dependent Claim 47 is further allowable at least because *Siefert* fails to disclose, expressly or inherently, “automatically determining the identity of and initiating downloading of at least one sub-associated file of the selected file to occur at substantially the same time as the at least one associated file, the at least one associated file including instructions to access the at least one sub-associated file, the at least one sub-associated file identified by a separate profile associated with the at least one associated file.” For example, the profile of *Siefert*, which is associated with a resource, merely contains descriptive information about the same resource. See *Siefert*, Col. 4, Lines 29-30. As a result, *Siefert* fails to disclose, expressly or inherently, “automatically determining the identity of and initiating downloading of at least

one sub-associated file of the selected file to occur at substantially the same time as the at least one associated file, the at least one associated file including instructions to access the at least one sub-associated file, the at least one sub-associated file identified by a separate profile associated with the at least one associated file.”

For at least these additional reasons, Dependent Claim 47 is allowable. For analogous reasons, Dependent Claims 48-50 are allowable. Favorable action is requested.

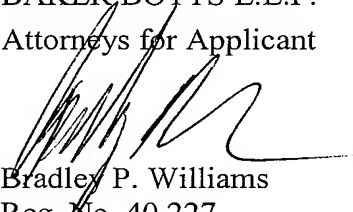
**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicant respectfully requests full allowance of all pending claims.

If the Examiner believes that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact the undersigned Attorney for Applicant at the Examiner's convenience.

Although Applicant believes no other fees are due, the Commissioner is hereby authorized to charge any necessary additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

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